

Serial No. : 09/704,379
Docket No. : 10655.7600

REMARKS

Applicants reply to the Final Office Action dated March 30, 2006 within two-months. Thus, Applicants request an Advisory Action, if necessary. Claims 2-10, 15, 16, 19, 21-25, 38, 53-58, and 61-64 were pending in the application and the Examiner rejects claims 2-10, 15, 16, 19, 21-25, 38, 53-58, and 61-64. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Claims Rejected under 35 U.S.C. § 112

The Examiner rejects claims 6, 2-5, 7-10, 15, 16, 19, and 38 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse the rejection.

In making the rejection, the Examiner alleges that the steps listed under the shipping agent, "do not relate to the transaction being carried out at the transaction mechanism" (page 3, paragraph 1). Applicants have amended independent claims 6, 25, 38, and 57 to more clearly interrelate the disclosed steps. In particular, the claims have been amended such that the transaction mechanism interfaces with the shipping agent to receive an item from a third party and causes the item to be delivered to the buyer. The transaction mechanism facilitates the crediting of funds to the seller's financial account, therefore the delivering step of the shipping agent is functionally related and dependent on the transaction mechanism. Applicants respectfully request withdrawal of this rejection.

Claims Rejected under 35 U.S.C. § 103

The Examiner rejects claims 2-10, 15, 16, 19, 21-25, 38, 53-58, and 61-64 under 35 U.S.C. § 103(a) as being unpatentable over Walker et al., U.S. Patent No. 5,794,207 ("Walker 1") in view of Walker et al., U.S. Patent No. 6,108,639 ("Walker 2"). Applicants respectfully traverse this rejection.

Walker 1 discloses a system whereby an offer to buy is distributed to a number of suppliers for consideration. Specifically, the Walker 1 system enables a buyer to submit a binding purchase offer globally to potential sellers. The binding purchase offer defines the price and other terms that the buyer would find acceptable. The binding purchase offer is submitted along with the buyer's credit card number to a central processor which verifies whether the buyer has a sufficient credit balance to cover a purchase at the buyer defined price. The binding purchase offer is then

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searchable by any number of sellers who may accept a binding purchase offer. The credit card of the buyer is charged for the amount of the purchase and the seller provides the item or service to the buyer.

Walker 2 discloses a system that is very similar to that of Walker 1; however, the Walker 2 system is directed primarily toward the trade of collectables. As disclosed by Walker 2, the trade of collectables over online commerce is unique in that the precise condition of the collectable is unknown to the buyer. Therefore, in order to apply the binding purchase offer system of Walker 1, Walker 2 discloses a third-party dealer/authenticator who receives a collectable from the seller when a binding purchase offer has been accepted. The dealer/authenticator determines whether the collectable meets the conditional criteria defined within the binding purchase offer. If the dealer/authenticator confirms the collectable's condition, then the binding purchase is invoked causing the credit card of the buyer to be debited, an account of the seller to be credited, and the collectable to be shipped to the purchaser.

Both Walker 1 and Walker 2 disclose systems for promoting and managing online commerce. Each reference further discloses a means for protecting both the buyer and the seller from fraudulent purchase transactions. However, this assurance does not provide for the determination of whether the use of the credit instrument for payment in the transaction is not fraudulent. In other words, there are no safeguards disclosed preventing a buyer from paying for goods or services with a stolen credit card. According to both Walker 1 and Walker 2, if a clearinghouse determines that there is an adequate line of credit available for a purchase, the purchase is allowed to proceed. As such, neither Walker 1, Walker 2, nor any combination thereof, disclose or suggest at least, "comparing, at said transaction mechanism, said transaction information with previous transaction information to determine whether said request to debit said first financial account is fraudulent," as similarly recited by independent claims 6, 25, 38, and 57.

Claims 2-5, 7-10, 15-16, 21-24, 53-56, and 58 variously depend from independent claims 6, 25, 38, and 57. As such, dependent claims 2-5, 7-10, 15-16, 21-24, 53-56, and 58 are differentiated from the cited references for at least the reasons set forth above, as well as in view of their own respective features.

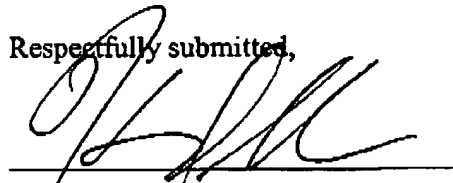
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CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814 for which purpose a duplicate copy of this sheet is attached. **This statement does not authorize charge of the Issue Fee.**

Dated: 5/26/06

Respectfully submitted,



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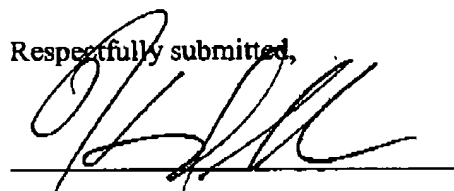
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